IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:	Examiner: N. Minnifield
Gary VAN NEST et al.	Group Art Unit: 1645
Serial No.: 09/927,422	
Filing Date: August 10, 2001	
For: BIODEGRADABLE IMMUNOMODULATORY FORMULATIONS AND METHODS OF USE THEREOF	

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97 & 1.98

MS AF
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. § 1.97 and § 1.98, Applicants submit for consideration in the above-identified application the documents listed on the attached Form PTO-1449. A copy of the documents are also submitted herewith. The Examiner is requested to make these documents of record.

sd-227602

The documents listed on the attached Form PTO-1449 were cited in an Examiner's first report from the Australian Patent Office mailed on September 9, 2004 directed to a counterpart international or foreign application. A certification under 37 C.F.R. § 1.97(e)(1) follows:

I hereby certify that each item of information was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.

This Information Disclosure Statement is submitted:

☐ With the application; accordingly, no fee or separate requirements are required.

☐ Before the mailing of a first Office Action after the filing of a Request for Continued Examination under § 1.114. However, if applicable, a certification under 37 C.F.R. § 1.97(e)(1) has been provided.

☐ Within three months of the application filing date or before mailing of a first Office Action on the merits; accordingly, no fee or separate requirements are required. However, if applicable, a certification under 37 C.F.R. § 1.97(e)(1) has been provided.

☐ After receipt of a first Office Action on the merits but before mailing of a final Office Action or Notice of Allowance.

    ☐ A fee is required. A check in the amount of __ is enclosed.

    ☐ A fee is required. Accordingly, a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.

    ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above; accordingly; no fee is believed to be due.

☒ After mailing of a final Office Action or Notice of Allowance, but before payment of the issue fee.

    ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above and a check in the amount of __ is enclosed.

    ☒ A Certification under 37 C.F.R. § 1.97(e) is provided above and a Fee Transmittal form (PTO/SB/17 is attached to this submission in duplicate.)

Applicants would appreciate the Examiner initialing and returning the Form PTO-1449, indicating that the information has been considered and made of record herein.

The information contained in this Information Disclosure Statement under 37 C.F.R. § 1.97 and § 1.98 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

In the unlikely event that the transmittal form is separated from this document and the Patent Office determines that an extension and/or other relief (such as payment of a fee under 37 C.F.R. §1.17(p)) is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing 377882001420. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,

Dated: November 2, 2004   By: _____
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sd-227602

Form PTO-1449	Docket Number 377882001420		Application Number 09/927,422
INFORMATION DISCLOSURE CITATION IN AN APPLICATION *(Use several sheets if necessary)*	Applicant Gary VAN NEST et al.		
	Filing Date August 10, 2001		Group Art Unit 1645
	Mailing Date November 2, 2004		

U.S. PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Name	Class	Subclass	Filing Date If Appropriate

FOREIGN PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Country	Class	Subclass	Translation YES NO
	1.	02/1998	WO 98/04740	WIPO			

OTHER DOCUMENTS   *(including author, title, Date, Pertinent Pages, Etc.)*

Examiner Initials	Ref. No.	Title
	2.	Bhatt et al., Nucleosides & Nucleotides (1999) 18(6&7):1297-1299
	3.	Fritz et al., Journal of Colloid and Interface Science (1997) 195:272-288
	4.	Lewis et al., Journal of Drug Targeting (1998) 5(4):291-302
	5.	Schwab et al., Proc. Natl. Acad. Sci. USA (1994) 91:10460-10464

EXAMINER:	DATE CONSIDERED:

EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.

sd- 227598